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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 7 of Assembly resolution 47/38 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which was introduced by the Chairman of the Special Committee at the 5th meeting of the Committee, on 6 October 1993.

4. The following communications were also circulated under the item:

(a) Letters dated 14 April, 9 and 14 June and 7 September 1993, from the Permanent Representative and the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/48/140-S/25597; A/48/205-S/25923; A/48/209-S/25937; and A/48/379-S/26411);

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 33 (A/48/33 and Corr.1).

(b) Letter dated 13 September 1993 from the Permanent Representative of Sierra Leone to the United Nations addressed to the Secretary-General (A/48/398);

(c) Note verbale dated 27 September 1993 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General (A/48/445-S/26501).

5. The Sixth Committee considered the item at its 5th to 11th and 38th meetings, on 6, 8 and 11 to 14 October and 29 November 1993. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/48/SR.5-11 and 38).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/48/L.18

6. At the 38th meeting, on 29 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/48/L.18), sponsored by Australia, Brazil, Canada, Ecuador, Egypt, El Salvador, Finland, Guatemala, Hungary, Morocco, New Zealand, Nigeria, Romania, Spain, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and Uruguay, later joined by Bulgaria, Colombia, Ethiopia, Indonesia, Italy, the Philippines and Slovakia.

7. The Secretary of the Committee made a statement on the programme budget implications of the draft resolution (see A/C.6/48/SR.38).

8. Also at its 38th meeting, the Committee adopted draft resolution A/C.6/48/L.18 without a vote (see para. 9).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on

the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 2/

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 3/ thirty-ninth, 4/, fortieth, 5/ forty-first, 6/ forty-second, 7/ forty-third, 8/ forty-fourth, 9/ forty-fifth, 10/ forty-sixth, 11/ forty-seventh 12/ and forty-eighth 13/ sessions, as well as the views and comments expressed on them by Member States,

Welcoming the report of the Secretary-General of 8 November 1993, 14/

2/ Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988, 44/37 of 4 December 1989, 45/44 of 28 November 1990, 46/58 of 9 December 1991 and 47/38 of 25 November 1992.

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

4/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

5/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

6/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

7/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

8/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

9/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

10/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

11/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

12/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

13/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

14/ A/48/573-S/26705.

Recalling the elements relevant to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in its resolution 47/120 B of 20 September 1993,

Noting the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals submitted to the General Assembly at its forty-eighth session aimed at strengthening the role of the Organization and enhancing its effectiveness,

Having considered the report of the Special Committee on the work of its session held in 1993, 15/

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 15/

2. Decides that the Special Committee will hold its next session from 7 to 25 March 1994;

3. Requests the Special Committee, at its session in 1994, in accordance with the provisions of paragraph 4 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(ii) To continue its consideration, also on a priority basis, of the proposal on the enhancement of cooperation between the United Nations and regional organizations;

(iii) To consider other specific proposals relating to the maintenance of international peace and security already submitted to the Special Committee or which might be submitted to the Special Committee at its

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15/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 33 (A/48/33).

session in 1994, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council with regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between States, in particular those relating to the enhancement of the role of the International Court of Justice;

4. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

5. Decides that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its working group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in plenary meetings of the Special Committee on specific items where it considers that such participation would assist in its work;

6. Invites the Special Committee at its session in 1994 to initiate a review of its membership and to consider various proposals regarding this membership;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-ninth session;

8. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".